



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

APRIL 2, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a scheduled meeting at **7:00 p.m. on Wednesday, April 02, 2008** in the Cottonwood Heights City Council Room, 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah

5:45 p.m. Work Session (**Suite 250**)

7:00 p.m. Regular Meeting (**Suite 300**)

1. Public Comment
This agenda item is for public comments on items not on the regular agenda and for informational purposes only. No formal action will be taken during this portion of the meeting.
2. Public Hearing – Flag Lot – Oliphant
The Planning Commission will receive public comment on a request by Julian Finlinson for a subdivision of 0.67 acres of property for the creation of a flag lot on property located at 6561 South 2300 East.
3. Public Hearing – Amendments to Chapter 19.82 - Signs
The Planning Commission will take public comment and take action on proposed changes to Chapter 19.82.
4. Discussion Item – Amendments to Chapter 19.76 - Supplementary and Qualifying Regulation
The Planning Commission will take public comment and take action on proposed changes to Chapter 19.76.
5. Discussion Item – Amendments to Chapter 19.90 – Amendments and Rezoning
The Planning Commission will take public comment and take action on proposed changes to Chapter 19.90.
6. Planning Director's Report

On Friday, March 28, 2008 at 11:00 a.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also faxed or e-mailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city website at www.cottonwoodheights.utah.gov

Linda Dunlavy, City Recorder



Item 1 – Public Comment

Issue: _____

Comments:

Issue: _____

Comments:

Issue: _____

Comments:



Item 2: Oliphant Minor Subdivision – Flag Lot

File Name:	Oliphant Flag Lot Minor Subdivision
Application Received:	January 9, 2008
Meeting Date:	April 2, 2008
Public Hearing Date:	April 2, 2008
County parcel Number:	2222253010
Location:	6561 S. 2300 E.
Development Area:	0.67 Acres
Request:	Flag Lot Minor Subdivision
Owner/Applicant:	Julian Finlinson
Agent:	Julian Finlinson
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any flag lot request application. This report provides preliminary information regarding the subdivision of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: R-2-8 (19.31), Subdivision Flag Lot Ordinance (12.20.060), Vacating or Changing Subdivision Plat (12.26), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a flag lot minor subdivision on property located at 6561 S. 2300 East. The property is one of several long, narrow lots that front 2300 East. The lot is relatively flat with little grade change on the lot. The applicant is requesting the flag lot minor subdivision under the flag lot ordinance adopted prior to the 2008 ordinance change. There are few changes in the new ordinance that would directly apply to this application if reviewed under the new ordinance. However, for technical review, the older version was used for review.

Neighborhood/Public Position on the Request

At the time of the report, several telephone comments had been received by staff. One comment was with regard to the unsightliness of the general area. Another call was received from a resident stating that she would rather not see anything change in that area.

A report will be given at the time of the meeting to further update the commission of any other concerns that may have been received. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 500 feet of the applicant's property at least 10 days prior to the public hearing.

Staff Observations and Position on the Request

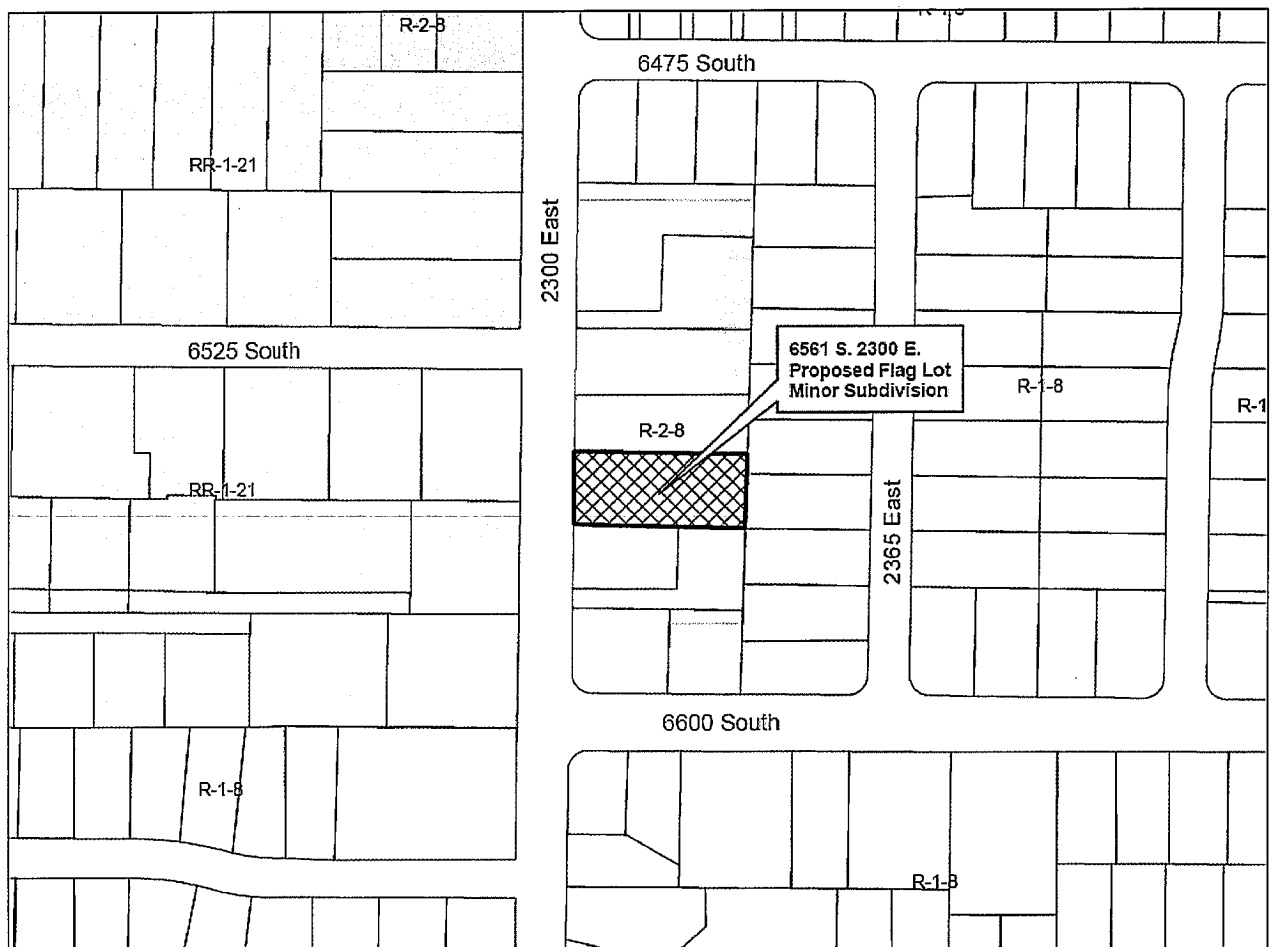
Staff has made the following observations:

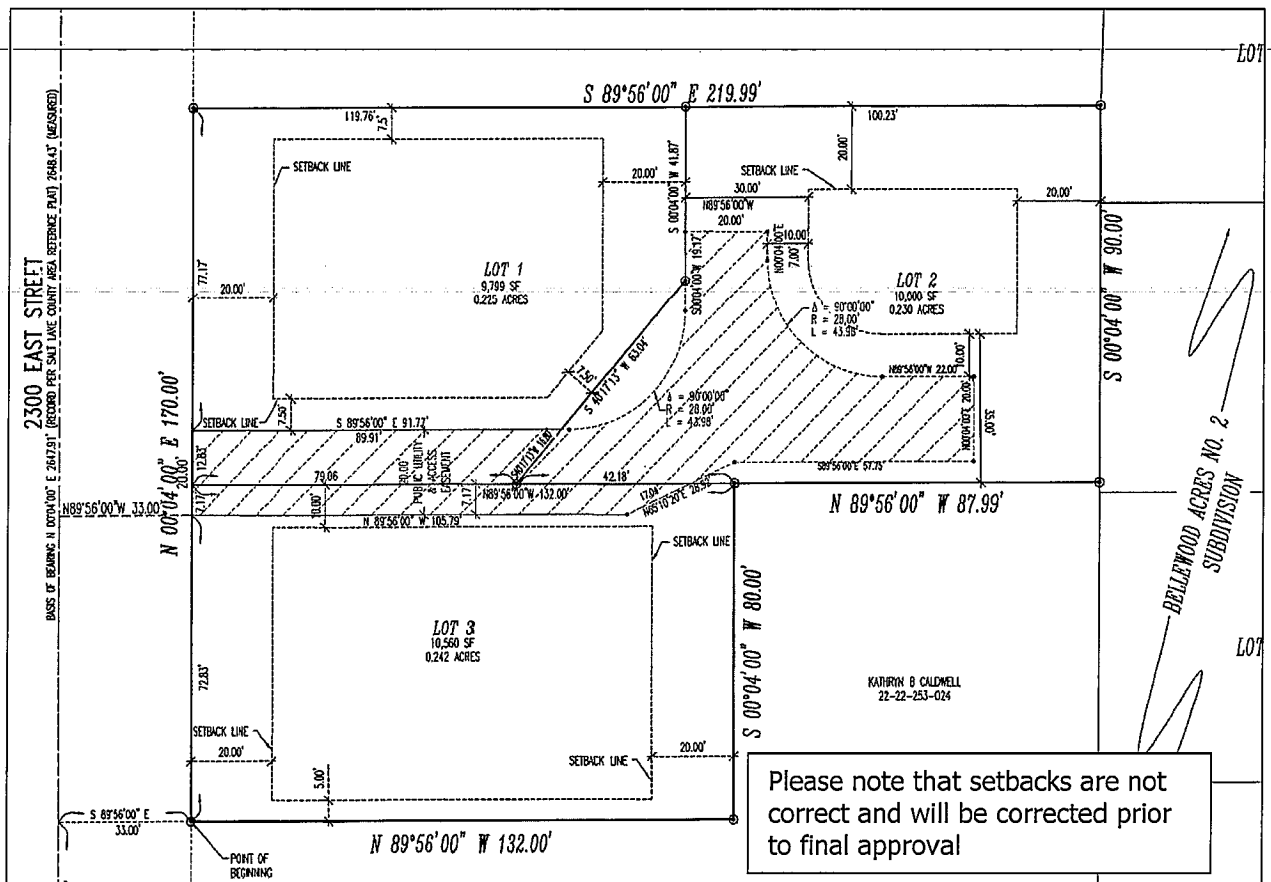
Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Site Layout

The site on which the flag lot subdivision is proposed is a long narrow lot with dimensions roughly 90 feet wide by 210 feet deep. The proposed flag lot is slightly different from others approved since incorporation in that there are two front lots with a single flag lot. The proposed flag lot would have a single flag lot separated from the original lot with a small stretch of the stem covering the property to the south. Currently, existing homes occupy what would be the two front or original lots with the flag lot access stem running between the two homes. The flag lot stem is currently being proposed as an easement over the front lots.





Flag Lot Stem

The flag lot stem accompanying the proposed flag lot is slightly different than others the City has reviewed. The flag lot stem on this subdivision is proposed as an easement over and across two "front" lots. Each of these lots must comply with all of the requirements for front lots in the flag lot ordinance. It is staff's interpretation of the flag lot stem requirements that the buffer is required for the outside boundary of the paved driveway and is intended to protect an adjacent property owner that is not involved with the subdivision. Staff does not believe that a buffer is required in this case since there is no clear outside boundary. The exception to this determination is the portion of the driveway adjacent to the property directly south of the flag lot. The buffer is provided in this case as this property owner is not involved with the proposed subdivision.

Zoning

The zone in which the proposed flag lot minor subdivision is set is the R-2-8 zone. The flag lot ordinance specifically states that only single-family dwellings may be placed on flag lots regardless of the underlying zone. As this is an R-2-8 zone, the front lot may facilitate a duplex or twin home but the rear lot may not.

Flag Lot Subdivision Review Standard

The standard for review and approval of a proposed flag lot are such that the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone (12.20.060).

Staff believes that the proposed flag lot meets the findings laid out in section 12.20.060.A of the Cottonwood Heights Municipal Code. The subject lot is larger than the minimum required for a standard minor subdivision in the underlying zone. However, a standard subdivision cannot be facilitated in this case due to the narrow frontage on 2300 East. There are several lots along this stretch of road that have similar circumstances and at least one has already been subdivided as a flag lot. In staff's opinion, this consideration supports section 12.20.060 in stating that access cannot be extended to this substantial buildable area. As substantial buildable area exists on the property, a flag lot may be the most appropriate manner in which to develop and use the site.

Flag Lot Requirements

Section 12.20.060: Flag lots permitted, of the Cottonwood Heights Municipal Code outlines other requirements for the successful subdivision of a flag lot.

- Subsection A requires that a flag lot may only be created from a legal lot and only one flag lot may be subdivided from such a lot. The subject property is a legal lot as it is a lot and only one flag lot is proposed on the property.
- Subsection B requires that only single family residential dwellings are permitted on a flag lot. As stated, this property is zoned R-2-8. This allows the property owner to build or maintain a twin home or duplex on the front or original lot but not on the flag lot. Only single family dwellings shall be allowed on the flag lot and a note on the recorded plat will state the restriction.
- Subsection C requires that the flag lot meet all requirements of the underlying zone in addition to the modified requirements specifically for flag lots. The proposed flag lot meets all such requirements.
- Subsection D requires the front lot to meet all required setbacks and lot minimums. The setbacks shown on the submitted plans do not accurately reflect the setback requirements. Staff, however, has checked the actual building setbacks and believes that proper setback will be maintained as required in the flag lot ordinance as well as the underlying zoning requirements.
- Subsection E requires that any structure built on a flag lot be limited to 26' in height as measured in Section 19.76.170 of the Cottonwood Heights Municipal Code. This will be enforced at the building permit stage and included as a note on the recorded plat.
- Subsection F outlines the required setbacks for the flag lot. Subdivision platting will state the proper setbacks when recorded.
- Subsection G states the requirement of 125% of the underlying zone's minimum lot size for a flag lot. The proposed flag lot is 10,000 square feet and is 125% of the 8,000 square foot minimum lot size requirement for the R-2-8 zone.
- Subsection H requires that the stem or driveway portion of the flag lot be either in fee title ownership of the rear lot or through express, irrevocable easement for ingress and egress across the front lot. The proposed flag lot subdivision places the stem of the flag lot as an easement over and across the front lot(s).
- The proposed flag lot will be compliant with subsection I since only one flag lot is being proposed.
- The proposed flag lot will also be compliant with subsection J. The flag lot ordinance under which the applicant applied requires a minimum stem width of 12' with a 5' buffer strip on the outside boundary of the paved driveway. Since the proposed home is further than 150' from the public right-of-way, a turnaround is required as well as a 20' driveway for fire department access.
- Subsection K will be dealt with at the building permit stage.

Recommendation

Based upon the staff observations and the consistency with the requirements of a flag lot, staff is recommending approval of a request for a flag lot located at 6561 South 2300 East.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – R-2-8: Chapter 19.31

Subdivisions – Flag Lots Permitted: Chapter 12.20.060

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Glenn Symes Associate Planner

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E-mail gsymes@cottonwoodheights.utah.gov

List of Attachments: Map of the Property
Proposed Subdivision Layout
Notice Sent to Property Owners within 500'
Letter from Resident



Item 3 Public Hearing - Amendments to Chapter 19.82 - Signs

The attached document is the proposed ordinance amendment for chapter 19.82 regarding political signs. Any questions, please feel free to give me a call.

Staff Contact:

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Chapter 19.82 SIGNS

Sections

19.82.010	Purpose.
19.82.020	Definitions.
19.82.025	Interpretation.
19.82.030	Monument signs.
19.82.040	Wall signs.
19.82.050	Projecting signs.
19.82.060	Awnings.
19.82.070	Special signs.
19.82.080	Illumination.
19.82.090	Areas of Special Character.
19.82.100	Programs for Signs.
19.82.110	Prohibited signs.
19.82.120	Exempt signs.
19.82.121	Transit facility advertising.
<u>19.82.125</u>	<u>Political signs.</u>
19.82.130	Nonconforming signs.
19.82.140	Permits.
19.82.150	Enforcement.
19.82.160	Severability.
19.82.170	Charts, figures, and graphs.

19.82.010 Purpose.

The purpose of this chapter is to create the framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signs that are:

(a) Compatible with their surrounding architecture;

(b) Appropriate to the activity that displays them;

(c) Expressive of the identity of individual activities and the community as a whole; and

(d) Legible in the circumstances in which they are seen.

19.82.020 Definitions.

"Above-roof sign" means a sign displayed above the peak or parapet of a building.

"Activity" means an economic unit designated in the classification system given in the Standard Industrial Classification (SIC) Manual published by the U.S. Department of Commerce.

"Animation" or "animated": (*see also* "changeable copy" and "movement") means the movement or the optical illusion of movement of any part of the sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

"Architectural detail" (*see also* "signable area," "wall and roof signs") means any projection, relief, cornice, column, change of building material, window, or door opening on any building.

"Architectural," "historic," or "scenic area" means an area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that signs displayed within the area enhance its visual character and are compatible with it.

"Awning" means a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

"Banner" means a sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

"Bare-bulb illumination" means a light source that consists of light bulbs with a [20]-watt maximum wattage for each bulb.

"Billboard". (*see also* "off premise sign") means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

"Building" means a structure having a roof supported by columns or walls.

"Canopy": (*See* "awning").

"Changeable copy" means a copy that changes at intervals of more than once every 60 seconds.

"Civic sign" means a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

"Directional sign" means a sign at the exit or entrance of a premises that has two or more driveways.

"External illumination" means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

"Façade" (*see also* "signable area") means the side of a building below the eaves.

"Facade, blank" means the side of a building below the eaves that is blank and does not have windows or architectural detail.

"Flashing illumination" means illumination in which the artificial

source of light is not maintained stationary or constant in intensity and color at all times when a sign is illuminated, including illuminated lighting.

"Grand opening sign" means a banner displayed on a premises on which a grand opening is in progress.

"Ground sign" means a sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

"Height" means the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

"Illumination" or "illuminated" means a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

"Indirect illumination" means a light source not seen directly.

"Inflatable sign" means any advertising device, which is supported by heated or forced air, or lighter-than-air gases.

"Internal illumination" means a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

"Item of information" means (1). a syllable of a word, an initial, logo, abbreviation, number, symbol, or geometric shape; (2). a word, logo, abbreviation, symbol, or geometric shape.

"Marquee" means a permanent structure other than a roof attached to, supported by, and projecting from a

building and providing protection from the elements.

“Monument sign” means a ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

“Movement” (*see also* “animation”) means physical movement or revolution up or down, around, or sideways that changes at intervals of less than 60 seconds.

“Multi-use building” means a building consisting of two or more separate commercial uses.

“Name-plate sign” means a sign indicating the name and address of a building; or the name of an occupant thereof, and the practice of a permitted occupation therein.

“Neon tube illumination” means a source of light for externally lit signs supplied by a neon tube that is bent to form letters, symbols, or other shapes.

“Nonconforming sign” means a sign that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of the governing ordinance then in effect, but which does not presently comply with this chapter.

“Off premise sign” (*see also* “billboard”) means a sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

“Pole sign” means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

“Political sign” means a temporary sign identifying and urging voter support for a particular election issue,

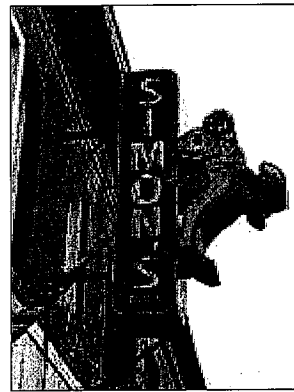
political party, or candidate for public office.

“Portable sign” means a sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

“Premises” means the lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased, and not located in a shopping center or multi-use building.

“Projecting sign” means a sign attached to and projecting from the wall of a building and not in the same plane as the wall.

Projecting Sign



“Property sign” means an on premise sign that states the rights that the owner of that property wishes to enforce, such as no dumping, or no trespassing.

“Public information sign” means an on premises sign that is located on land in a PF (public facilities) zone that is owned, leased or occupied by a federal, state or local governmental body (such as a city or a school district), which signage is used solely for non-commercial, public information purposes such as civic announcements, publicizing community events, occurrences or activities, or the like. A public information sign may not be

used for off-premises sign or billboard purposes. All public information signs shall be constructed as monument signs as provided in section 12.82.030 below.

“Real estate sign” means a temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site where the sign is located.

“Right-of-way” means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, alley, trail, water line, sanitary sewer, and/or other public utilities or facilities.

“Roof sign” (*see also* “above-roof sign”) means a sign that is displayed above the eaves and under the peak of a building.

“Shopping center” means a commercial development under unified control consisting of [four] or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

“Sign” means a sign or special sign, as defined by this chapter. Sign also means a lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way.

“Signable area for projecting signs and awnings” means one area enclosed by a box or outline, or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

“Signable area for wall signs” means one area free of architectural details on the facade of a building or

part of a building, which shall include the entire area which is:

1. Enclosed by a box or outline, or
2. Within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures. A “facade” is the side of a building below the eaves.

“Size” means the total area of the face used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel (not more than two feet apart), and supported by the same poles or structures, the size of the sign is one-half the area of the two faces.

“Snipe sign” means an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

“Special sign” means a sign, other than a ground or wall sign, regulated by this title.

“Structure” means anything built that requires a permanent location. This term includes a building.

“Temporary window sign” means a window sign displayed for a limited period of time.

“Vehicle sign” means a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

“Wall sign” means a sign painted on or attached to a wall of a structure and in the same plane as the wall.

“Wind sign” means any display or series of displays, banners, flags, balloons, or other objects designed and

fashioned in such a manner as to move when subjected to wind pressure.

“Window sign” means a sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

19.82.025 Interpretation.

A. Properties divided by public streets are not adjacent.

B. The sign requirements contained in this chapter are declared to be the maximum allowable.

C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.

D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

19.82.030 Monument signs.

A. Where permitted. A premises may display one monument sign on each street or highway on which it has frontage in the following zoning districts:

- (a) NC Zone
- (b) CR Zone
- (c) O-R-D Zone
- (d) PF Zone

B. Size, setback, and height regulations. Monument signs must comply with the size, setback, and height regulations contained in Chart 19.82.03-01.

C. Shopping Centers. A shopping center may display one monument sign at each exit and entrance. Occupants within a shopping center may not display monument signs individually.

D. Public information signs. Notwithstanding anything in this chapter to the contrary, public information signs are a conditional use in the PF zone and may be constructed

to a maximum height of 18 feet. The base, or support structure, of the public information sign shall be designed to be no less than one-half (1/2) the width of the advertising portion of the sign. The maximum width of the advertising portion of any public information sign is 12 feet, and the maximum allowable area of the advertising portion of any public information sign is 90 square feet. The copy or image on any public information sign with changeable copy or moveable images (via LED lighting or other technology) shall not move more than once per minute. With the exception of lighted signs deemed necessary to protect public safety (such as Amber Alerts, speed limit LED signs, UDOT advisory traffic signs, etc.), the hours of illumination and operation of any public information sign shall be limited to 7:00 a.m. to 10:00 p.m. daily.

D. Multi-Use Buildings. A multi-use building may have one monument sign facing each street or highway on which the building has frontage.

E. Landscaping. A landscaped area located around the base of the monument sign equal to 2.5 square feet for each square foot of monument sign area, is required for all monument signs. The landscaped area shall contain living landscape material consisting of shrubs, perennial ground cover plants, or a combination of both, placed throughout the required landscape area having a spacing of not greater than two feet on center. Where appropriate, the planting of required deciduous or evergreen trees, installed in a manner that frames or accents the monument sign structure is encouraged.

Example of adequate landscaping to frame a sign:



19.82.040 Wall signs.

A. Where permitted. In the following zoning districts, a premises, and each occupant of a shopping center or multiuse building, may display wall or signs on walls adjacent to each street or highway on which it has frontage:

- (a) NC Zone
- (b) CR Zone
- (c) O-R-D Zone
- (d) PF Zone

B. Signable area designation. The person displaying the sign shall select one signable area on each facade of the building that has frontage on a street or highway. As used in this subsection, a "signable area" is an area which is:

- (a) enclosed by a box or outline, or;
- (b) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures

C. Sign structure or sign display area allowed. The aggregate area of the wall signs displayed on a premises shall not exceed the following percentages of the signable area:

- (a) no signable area for any use in city shall exceed 15% of the aggregate area of the wall where a sign is to be located, and in no case shall a wall sign exceed six feet in height.

D. How displayed. The sign structure or sign display area may be

displayed as one or divided among two or more wall signs.

E. Additional limitations. Wall signs may be attached to or pinned away from the wall, but must not project from the wall by more than 12 inches and must not interrupt architectural details. Cabinet signs are not permitted as wall signs in the city.

19.82.50 Projecting signs.

A. Where permitted. A premises, and each occupant of a shopping center or multi-use building, may display one projecting sign on each street or highway frontage in the following zoning districts:

- (a) NC Zone
- (b) CR Zone
- (c) O-R-D Zone
- (d) PF Zone

B. Size of projecting signs. Projecting signs must comply with the size regulations contained in Chart 19.82.05-01. Projecting and marquee signs shall not project above the roofline or 18 feet, whichever is lower.

C. Signable area. Any signable area selected for display as a projecting sign shall not exceed, and shall be subtracted from, the signable area allocated to wall signs permitted for each premises.

D. Additional limitations. The following additional limitations apply to projecting signs:

- (a) Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from a building or one-third the width of the sidewalk, whichever is less.

- (b) Projecting signs must be pinned away from the wall at least four inches and must project from the wall at an angle of 90 degrees.

(c) Angular projection from the corner of a building is prohibited.

19.82.060 Awnings.

A. Where permitted. A premises, and each occupant of a shopping center or multi-use building, may display awnings on each street or highway frontage in the following zoning districts:

- (a) NC Zone
- (b) CR Zone
- (c) O-R-D Zone
- (d) PF Zone

B. Signable area. A sign may be displayed on one signable area selected for display on an awning. It shall not exceed 30% of the area of the principal face of the awning and shall be subtracted from the signable area selected for wall signs permitted for each premises and each occupancy under section 19.82.04.

C. Height and width. Awnings must clear sidewalks by at least eight feet and may project no more than the width of the sidewalk.

19.82.070 Special signs

A. Grand opening or going out of business signs. A premises, or an occupant of a shopping center or multi-use building, may display one grand opening or going out of business sign, not exceeding 20 square feet in area or six feet in height, for no more than 20 days during any 12 consecutive calendar months, and must be licensed to do so by the city.

B. Window signs. A premises, or an occupant of a shopping center or multiuse building, may display permanent window signs not to exceed 15% of the window area of the facade of the building; and temporary window signs, not to exceed an additional 15%

of the window area of the facade of the building, for no more than 30 days during any 12 consecutive calendar months.

C. Directional signs. A premises, or an occupant of a multi-use building, may display one directional sign at each entrance to or exit not more than six square feet on two-lane streets or highways and on any highway with a posted travel speed less than 35 miles per hour, and not more than four square feet on multi-lane roads and on any highway with a posted travel speed greater than 35 miles per hour.

19.82.080 Illumination and movement.

A. Flashing illumination and movement prohibited. Except for public information signs, as provided in subsection 19.82.030(D), a sign may not be animated or have changeable copy, as defined above, and may not have flashing illumination.

B. Illumination requirements. A permanent sign may be non-illuminated, illuminated by internal, internal indirect or external indirect illumination. Signs that are externally lit shall be illuminated only with steady, stationary, down-directed, and shielded light sources directed solely onto the sign.

C. Glare. Any lighting fixture on a sign that is located within ten feet of a property line of a residential zoning district or an existing residential use, or within ten feet of a public right-of-way, except as permitted by this ordinance, shall be

(a) aimed away from the property line, residential use, or zoning district, or public right-of-way;

(b) classified as full cut-off lighting, or;

(c) shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

19.82.090 Areas of Special Character.

A. Designation. This chapter cannot adequately regulate all signs in an area as diverse as the city. The city council may therefore designate any geographical areas as Areas of Special Character.

B. Zoning map. The city's zoning map shall show the boundaries of all designated Areas of Special Character.

C. Special regulations. The city council shall adopt special regulations for signs in Areas of Special Character that shall be consistent with the nature of the Area of Special Character.

D. Effect of special regulations. Special regulations for Areas of Special Character shall supersede and may be either more or less restrictive than the regulations for signs contained in title.

E. Sign Plan for Areas of Special Character. The planning commission may approve a sign plan for an Area of Special Character. The sign plan shall contain visual representations of the lettering, illumination, color, area and height of signs and may also indicate the area and buildings where they may be placed and located. The sign plan may also contain special regulations authorizing the display of signs in the Area of Special Character. The special regulations may incorporate by reference the visual representation of signs in the sign plan. The planning commission may approve a sign plan if the signs illustrated in the plan and authorized by any special regulations included in the plan are consistent with the purposes of this title and the character of the Area of Special

Character. An approved sign plan shall supersede and may be either more or less restrictive than the regulations contained in this title.

F. Programs for Signs. The planning commission may approve a Program for Signs in an Area of Special Character.

19.82.100 Programs for Signs.

A. Purpose.

A Program for Signs is a creative incentive for a unified visual statement that integrates the design of signs with the design of the building on which they will be displayed and with the surrounding area.

B. When allowed. The owners of one or more adjacent premises, or one or more occupants of a shopping center or multi-use building, not located in an Area of Special Character, may submit a Program for Signs to the planning commission that need not comply with some or all of the requirements of this ordinance. The Program for Signs shall contain a visual representation of the lettering, illumination, color, size, height, placement, and location of the signs proposed for display

C. Standards for approval. The planning commission may approve a Program for Signs if the signs visually represented in the program are:

(a) Consistent with the purposes of this chapter; and

(b) Compatible with the theme, visual quality, and overall character of the surrounding area or an Area of Special Character, if the signs included in the Program for Signs are located in such an area; and;

(c) Appropriately related in size, shape, materials, lettering, color, illumination, and character to the function and architectural character of

the building or premises on which they will be displayed, and are compatible with existing adjacent activities.

D. Display of signs. A premises or occupancy for which a Program for Signs has been approved by the planning commission may only display signs that comply with the approved program, which shall supersede and replace the regulations for signs in this ordinance.

19.82.110 Prohibited signs.

The following signs are prohibited in the city:

- (a) Signs which by color, location, or design resemble or conflict with traffic control signs or signals;
- (b) Signs attached to light poles or standards;
- (c) Portable signs;
- (d) Above-roof signs;
- (e) Inflatable signs;
- (f) Any unlicensed temporary sign;
- (g) Vehicle signs;
- (h) Any sign which flashes, blinks, uses chaser lights, etc., or moves (public information signs and time and temperature signs excluded);
- (i) Roof signs;
- (j) Snipe signs;
- (k) Wind signs;
- (l) Off premise signs (including billboards);
- (m) Pole signs;
- (n) Cabinet signs, except as allowed herein; and
- (o) Any sign in the right-of-way which has not been licensed by the city, including, without limitation, any so-called "bus bench" signs.

19.82.120 Exempt signs.

The following signs are exempt from the regulations contained in this chapter:

(a) Signs required by law.

(b) Any sign of information integrated into or on a coin-operated machine, vending machine, gasoline pump, or telephone booth.

(c) Real estate signs, one per property. The real estate sign shall not exceed six feet in height and nine square feet.

~~(d) Political signs, excluding billboards.~~

~~(e) Property signs.~~

~~(f) Name plate signs.~~

~~(g) Civic signs.~~

19.82.121 Transit facility advertising.

A. Advertising on public transit (bus) benches and shelters in the city is prohibited; provided, however, that nothing in this code shall prohibit the city from maintaining public, or public-interest, notices on any city-owned public transit facilities in the city.

B. Notwithstanding anything in this code to the contrary, in order to provide a reasonable transition period for the city to replace privately-owned transit (bus) benches and shelters bearing non-conforming advertising with city-owned benches and shelters, the city may, at its option, take until 1 March 2008 to abate non-conforming benches and shelters already located in the city as of the effective date of this ordinance.

C. In abating non-conforming public transit (bus) benches and shelters existing as of the effective date of this ordinance, the city may require immediate removal of any such benches and shelters that are dangerous, in disrepair, are duplicative, or are not located at a recognized transit stop, and may defer

(until 1 March 2008), for public convenience, required removal of otherwise non-conforming benches and shelters located at high-use, recognized transit stops, as determined by the city.

19.82.125 Political signs.

Political signs shall be allowed under the following conditions:

A. Political signs may not exceed 16 square feet in size and six feet in height; provided that (a) larger banners advertising a special political event may be displayed for a maximum of 24 hours preceding such event, and (b) political signs on billboards existing as legal non-conforming use in the city are not subject to the foregoing size limitations.

B. Political signs may be placed on private property by, or with the permission of, its owner or authorized occupant, but shall not be placed in the public right-of-way or on any other public property;

C. Political signs shall not be located within 150 feet of any polling location.

D. Political signs shall not be located so as to adversely affect "clear view" or other public safety standards.

E. Political signs shall be removed within seven days after the date of the election. Failing such removal, the city may remove said signs and charge a reasonable fee based on actual costs of removal for each sign requiring removal. The bill shall be sent to, and payment shall be the obligation of, the candidate or political association responsible for such sign(s).

F. Political signs shall comply with all other legal requirements.

19.82.130 Nonconforming signs.

A. Change and modification. A nonconforming sign or sign structure shall be brought into conformity with this title if it is altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for purposes of this subsection.

B. Maintenance. Nonconforming signs must be maintained in good condition in accordance with this chapter. Maintenance shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and is not a change or modification prohibited by subsection

C. Removal. Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:

(a) A nonconforming sign, or a substantial part of a nonconforming sign, is blown down, destroyed, or for any reason or by any means taken down, altered, or removed. As used in this subsection, "substantial" means 50% or more of the entire sign structure, or;

(b) The condition of the nonconforming sign or nonconforming sign structure has deteriorated and the cost of restoration of the sign to its condition immediately prior to such deterioration exceeds 50% of the value of the sign or sign structure prior to its deterioration, or;

(c) The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection, or;

(d) There is a change in tenant or change in ownership of the premises on

which the nonconforming sign is located, or;

D. Sign permit. Any permit issued for a sign under this chapter shall require that any nonconforming sign displayed on the premises for which the permit is issued shall be modified or removed to conform to the provisions of this chapter.

E. Development permit. Any building permit that authorizes the development of a premises, any building addition, an increase in gross floor area of 25% or more, or any exterior structural remodeling of a building facade on which a nonconforming sign is located, shall require all nonconforming signs on the premises for which the building permit is issued to be brought into conformity with the provisions of this title.

F. Separation. No sign that is nonconforming solely because it violates a requirement for the spacing of signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the premises is not possible.

19.82.140 Permits.

A. Permit required. No person shall erect or display a sign unless the department has issued a permit for the sign or this section exempts the sign from the permit requirement.

B. Application. A person proposing to erect or display a sign shall file an application for a permit with the department. The application shall contain the following:

(a) The name, address, and telephone number of sign contractor and the owner and occupant of the premises where the sign is to be erected or displayed; the date on which it is to be erected or displayed; the zoning

district and the Area of Special Character, if any, in which it is located; and any variance that has been approved.

(b) A color drawing to scale that shows:

1. all existing signs displayed on the premises;

2. the location, height, and size of any proposed signs;

3. the items of information proposed to be displayed; and;

4. the percentage of the signable area covered by the proposed signs. This information is not required if a Program for Signs has been approved for the premises or occupancy on which the sign will be erected or displayed if the approved Program for Signs is attached to the application.

(c) Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any, are to be provided.

C. Review and time limits. The department shall promptly review the application upon the receipt of a completed permit application and upon payment of the permit fee by the applicant. The department shall grant or deny the permit promptly.

D. Approval or denial. The department shall approve a permit for the sign if it complies with the building, electrical or other adopted codes of the city with:

(a) The regulations for signs contained in this chapter and any variance that has been granted from these regulations;

(b) Any special regulations that have been adopted for an Area of Special Character, and;

Any Program for Signs that has been approved under this ordinance. If the department does not approve a

permit for the sign, the department shall state the reasons for the denial in writing, and shall mail a certified copy of the reasons for denial to the address of the applicant stated on the application.

E. Appeals. Any applicant who is denied a permit for the display of a sign may file a written appeal to the director within ten days after receipt of the written copy of the denial.

F. Fees. The fees for permit applications shall be as specified in title.

G. Exemptions. The following signs are exempt from the permit requirement:

(a) A sign specifically exempted from the provisions of this chapter.

(b) A temporary window sign.

(c) A sign that is a permanent architectural detail of a building.

19.82.150 Enforcement.

(a) Enforcement Official. The director, or his designee, shall have the authority to enforce this chapter and to make all related inspections. Appeals of decisions under this chapter shall be to the board of adjustment.

(b) Removal of Signs.

1. Authority. The director is hereby authorized to require removal of any illegal sign and to commence an action to enjoin erection of any illegal sign.

2. Notice. Before bringing action to require removal of any illegal sign, the director, or his designee, shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specifying the deficiencies or defects and specify that the sign must be

removed or made to conform with the provisions of this chapter within the notice period provided below.

3. Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit, county records, or the last known address.

(a) Notice Period.

1. The notice period for permanent signs shall be ten days.

2. The notice period for temporary signs shall be three days.

3. Re-erection of any sign or substantially similar sign on the same premises after a notice of violation has been issued shall be deemed a continuation of the original violation.

(a) Prosecution. If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the director that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the director shall certify the violations to the city prosecutor for prosecution.

(b) Removal. The director may remove any illegal temporary sign which is maintained or re-erected after the expiration of the notice period, if the owner or lessee of the premises has been issued a notice of violation at least once before for the same violation involving the same or similar sign.

(c) Safety Hazard. Notwithstanding anything to the contrary in this chapter, the director may cause the immediate removal or repair (without notice to the owner of the sign, or the property on which it is located) of any unsafe or defective sign or signs that create an immediate hazard to persons or property.

(d) Costs of Removal. The costs of removal of a sign by the city shall be borne by the owner of the sign and of the property on which it is located, and the city may bring an action for recovery of any such expenditures.

(e) Liability for Damages. This chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation, which erects or owns any sign, for personal injury or property damaged caused by the sign; nor shall this chapter be construed to impose

upon the city, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this chapter.

19.82.160 Severability.

The invalidation of any section, subsection, clause, or phrase of this chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this chapter.

19.82.170 Charts, figures, and graphs.

(a) Chart 19.82.03-01

Monument Signs				
District	Type of Sign	Signable Area	Max. Height of Sign	Sign Setback
NC - Neighborhood Comm.	Monument	36 square feet	6 feet (including pedestal)	18 inches
CR - Regional Comm.	Group Monument	96 square feet	10 feet (including pedestal)	24 inches
PF - Public Facilities	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office/Resarch Park	Monument	64 square feet	8 feet (including pedestal)	24 inches
	Group Monument	96 square feet	10 feet (including pedestal)	24 inches

(b) Chart 19.82.05-01

Projecting Signs			
District	Type of Sign	Signable Area	Height of Sign
NC -Neighborhood Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
CR - Regional Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
PF - Public Facilities	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office/Research Park	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.

WST/CH/501231.1



Item 4 Public Hearing - Amendments to Chapter 19.76 – Supplementary & Qualifying Regulations.

Recently, staff has gone through the entire chapter 19.76 and tried to determine which regulations were invalid, due to the new LUDMA laws, outdated, antiquated or even illegal. We found that we had some regulations from almost every category, save the illegal category. With the review, I was able to go back and delete some inappropriate regulations, modify others and still add some more. I have also proposed a new format for the organization of the regulations to make finding different types of regulations easier through category arrangement.

Please review the ordinance and email me with any questions, or we can address them in the planning commission meeting.

Staff Contact:

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Chapter 19.76
SUPPLEMENTARY AND QUALIFYING RULES AND REGULATIONS

Sections:

19.76.010 Effect of provisions.

19.76.020 Lots and lot area

- A. Lots in separate ownership.
- B. Separately owned lots—Reduced yards.
- C. Division of a two-family dwelling.
- D. Sale of lots below minimum width and area.
- E. Sale of space needed to meet requirements.
- F. Yard space for one building only.
- G. Front yard measurement from map.

19.76.030 Structures, bulk and massing requirements

- A. Dwellings, including guest houses, ~~to be~~ on lots.
- B. Accessory buildings—Area of coverage.
- ~~C. Single family or two family dwelling—Standards.~~
- ~~D. C. _____~~ Public use—Reduced lot area and yards.
- ~~E. D. Building~~ Structure height – Vertical distance.
- ~~E. Lot grade – measurement.~~
- F. Height limitations – Building less than one story.
- ~~F. Height limitations—Accessory buildings.~~
- ~~H. G. _____~~ Height limitations—Exceptions.
- ~~I. H. Additional height allowed when.~~
- ~~J. I. Yard regulations.~~
- ~~J. Demolition permits.~~
- ~~K. Portable storage containers~~
- ~~L. Construction Mitigation.~~

19.76.040 Land use

- A. Occupancy permit.
- B. Uses not listed—Compatibility standards.
- C. Special events and temporary sales.
- D. Home day care/preschool, small.
- E. Home day care/preschool.
- F. Home occupations.
- G. Commercial renting of dwellings prohibited.
- H. Residential facilities for the elderly.
- I. Storage of RVs, boats and travel trailers.
- J. Car wash regulations.
- K. Non-depository lending institutions.
- L. Permitted uses – approval standards

19.76.050 Miscellaneous

- A. Appeal of planning commission decision.
- B. Off-site improvements.
- C. Water and sewage facilities.

- ~~D.~~Animal and fowl restrictions.
- ~~E.~~D.Intersecting streets and clear visibility.
- ~~F.~~E. Fences.
- ~~G.~~F.Regulations regarding junk.

19.76.010 Effect of chapter provisions.

The rules and regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

19.76.020 Lots and lot area.

A. Lots in separate ownership.

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

B. Separately owned lots—Reduced yards.

On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the wide yard on the side street shall be in no case less than 15 feet or the other side yard be less than five feet.

C. Division of a two-family dwelling.

Upon certification by the director, a legal, or legal non-conforming, —existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

D. Sale of lots below minimum width and area.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment.

E. Sale of space needed to meet requirements.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.

F. Yard space for one building only.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

G. Front yard measurement from map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the city recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

19.76.030 Structures, bulk and massing requirements.

A. Dwellings, including guest homes, ~~to be~~ on lots.

1. -Every dwelling shall be located and maintained on a lot, as defined in this title. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one lot.

2. Guest houses shall be a permitted use in the following zones:

- a. R-1-8; -10; and, -15
- b. RR-1-21; -29; and, -43
- c. F-1-21; and -43
- d. F-20

3. The guest house shall be a detached accessory use to a principal residence located in the rear yard of the principal lot.

4. The maximum allowed area of the guest house shall 25 percent of the area of the principal residence (exclusive of garages).

5. The floor area of the guest house and principal residence combined shall not exceed the maximum impervious surface coverage of the site.

6. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.

7. Installation of a separate gas and/or electrical meter for the guest house shall be prohibited.

8. All bulk and massing requirements for accessory buildings, as per the applicable zone, shall be applicable to the guest house.

B. Accessory buildings—Area of coverage.

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

C. Single-family or two-family dwelling—Standards.

—Any detached single-family or two-family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off-street parking requirements in chapter 19.80, “Off-Street Parking Requirements,” and the following standards in addition to any others required by law except as provided in subsection I of this section:

—A. The dwelling unit must meet the city’s building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development, and must not have been altered in violation of codes. A used manufactured home must be inspected by the city’s building official or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.

—B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the Utah State Tax Commission pursuant to *Utah Code Ann.* § 59-2-602, as amended.

—C. The dwelling must be permanently connected to and approved for all required utilities.

D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.

—E. The dwelling must be attached to a site-built permanent foundation which meets the city’s building code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and that is constructed to meet the requirements of the city’s building code. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

—F. At least 60% of the roof of the dwelling must be pitched at a minimum of two-and-one-half to 12 (2.5:12) and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.

—G. The dwelling shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, or metal or vinyl lap, or any material meeting the city’s building code or materials of like appearance approved by the director. The roof overhang must not be less than six inches, including rain gutters which may account for up to four inches of overhang, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof overhang may be reduced to two inches on the side of the dwelling facing the rear yard except on corner lots.

—H. The width of the dwelling shall be at least 20 feet at the narrowest part of its first story for a length of at least 20 feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory built or manufactured homes

shall be multiple transportable sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet.

~~— I. The director may approve deviations from one or more of the developmental or architectural standards provided in subsections E through H of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the board of adjustment.~~

~~— J. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.~~

DC. Public use—Reduced lot area and yards.

The requirements of this title as to minimum lot area and minimum yards may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements if rule 19.76.030(I) Additional Height is in use, or unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

ED. Structure height — Vertical measurement.

A. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the director shall designate the four corners of the structure.

B. Structures may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in subsection (A).

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.

E. Lot grade – measurement.

To determine the percent grade of a lot, the grade shall be expressed by determining the percent increase or decrease in elevation using the area of the proposed structure footprint and the front yard.

F. Height limitations—Buildings less than one story.

No building shall be erected to a height less than one story above grade.

G. Height limitations—Accessory buildings.

~~— No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall contain more than one story or exceed 20 feet in height, subject to~~

more restrictive regulations in this title.

HG. Height limitations—Exceptions.

In the ORD, CR, MU, NC, RO and PF zones, Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building may be erected above the height limits prescribed in this title when approved by the planning commission, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

HH. Additional height allowed when.

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

JI. Yard requirements

“Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

A. Fences;

B. Canopies ~~allowed under subsection 19.80.120(B);~~, not to include temporary or permanent carports.

C. Accessory buildings in a rear yard including temporary or permanent carports;

D. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three (3) feet;

E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and

F. Structures less than 18 inches in height from the finished ground surface.

J. Demolition permits.

A. An approved site plan is required before a commercial building can be approved for demolition.

B. The following items must be submitted to obtain a demolition permit:

1. An asbestos inspection from an approved asbestos inspector.

2. A completed and approved "Pre-demolition Building Inspection Form" from Salt Lake Valley Health Department.

3. Approval for demolition from the Utah Division of Air Quality.

4. A letter or email, from all service providers to the property or structure, indicating that all utilities have been terminated.

5. A completed cottonwood heights building permit application.

K. Portable storage containers.

A. In all municipal, residential, commercial, office or mixed-use zone, portable storage containers are permitted only in accordance with the following:

1. As a temporary use, not to exceed 180 days, during the construction, remodeling or redevelopment of a permanent on site structure with a valid building permit.

2. In no case shall a lot contain more than one of such portable storage containers, nor shall any portable storage container be located in required landscape areas, front yard area, required open space, detention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause a threat to public safety, or create a condition detrimental to surrounding land uses and property owners.

3. For commercial, office and mixed-use zones a temporary site plan must be submitted for review by the department. Approval of more than one portable storage containers may be approved by staff if the DRC finds that the addition will not jeopardize the public health, safety or welfare or create a nuisance. In addition, the temporary use of portable storage containers shall not violate a conditional use approval.

L. Construction Mitigation Plan.

A. This plan shall be written and shall address the following elements: (Please note: all of these elements may not apply to each individual project. There may also be additional elements, unique to the project that involves public health and safety issues.)

1. Hours of Operation. The hours of operation are 7AM to 9PM, Monday thru Saturday, and 9AM to 6PM on Sunday.

2. Parking. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks. Within paid and permit only areas, an approved parking plan must be obtained from the Public Works Department.

3. Deliveries. Deliveries of construction materials and supplies, including concrete, may be regulated as to time (hours of operation) and routing.

4. Stockpiling & Staging. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on site may be required.

5. Construction Phasing. Due to narrow streets, topography, small lot configuration, traffic circulation, weather, construction parking and material staging problems, some projects may be required to be phased. In cases where phasing is deemed necessary, the first project to receive a building permit shall have priority, however, the Building Official shall have authority to phase projects as necessary to assure efficient, timely and safe construction.

6. Trash Management and Recycling of Materials. Construction sites shall provide adequate storage and a program for trash removal. Construction material recycling bins are encouraged on sites with adequate room for separation of materials.

7. Control of Dust & Mud. A program for the control dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud on streets and it will be required to remove any such mud daily. Placing gravel in the egress and ingress areas to a job site is one method to control mud and dust problems.

8. Noise. Any noise above 65 decibels violates the noise ordinance, as well as any excessive or unusually loud noise that is plainly audible beyond the property line or outside the hours of operation.

9. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of dirt shall be addressed. Excavation 6 feet (1.8 m) or more in depth shall be protected from falling hazards by guardrail roofs, systems, fences, or barricades.

10. Temporary Lighting. An approved temporary lighting plan must be obtained from the Planning Department if any exterior, temporary lighting is necessary for construction.

11. Construction Sign. A sign shall be posted in a location where the sign is readable from the street or driveway. The sign shall not exceed 12 square feet in size and 6 feet in height. The lettering shall not exceed 4 inches in height. Information on the sign shall include:

- a. Name, address and phone number of the contractor
- b. Name, address and phone number of the person responsible for the project
- c. Name and phone number of the party to call in case of an emergency

19.76.040 Land use

A. Occupancy permit.

A. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted or conditional in that zone, and in accordance with the regulations established in this title in that zone.

B. The permit of occupancy shall be issued by the director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

C. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

B. Uses not listed—Compatibility standards.

It is recognized that new types of land uses may develop and various forms of land uses not anticipated may seek to locate in the city. The provisions of this section shall provide a mechanism to classify land uses not listed in this title. Determination as to the classification of uses not specifically listed in this title shall be made as follows:

A. Written request. A written request for such a determination concerning an unlisted and uncoded proposed land use shall be filed with the director. The request shall include a detailed description of the proposed use and such other information as the director may require.

B. Investigation. The director thereupon shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification, using the following compatibility standards:

1. Volume and type of sales, ~~retain~~retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored. business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts; 5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

7. Parking characteristics, turn over and generation, ration of the number of spaces required per unit area or activity, and potential for shared paring with other uses.

8. Predilection of attracting or repelling criminal activities to, form or other premises;

9. Amount and nature of nuisances generated on the premises noise, smoke, odor, glare, vibration radiation, and fumes; and

10. Any special public utility requirements for serving the use water supply, waste water output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

C. Director's Recommendation. The director's recommendation concerning the proposed use shall be rendered in writing to the planning commission within 30 days unless an extension is granted by the planning commission. The director's recommendation shall state the zone classification in which the proposed use should be permitted as well as the findings which established that such use is of the same character and intensity of uses permitted in that zone classification.

D. Planning Commission Determination; Appeal. Upon receipt of the director's recommendation, the planning commission shall review such recommendation and either approve it as submitted, approve it with modifications, or reject it. The planning commission's decision may be appealed to the city council within 30 days after the date of such decision.

E. Effect of Determination. A use approved for a zoning district based on the foregoing compatibility standards shall thereafter become a permitted or conditional use (as designated by the planning commission) for that zoning district, and shall have the same status as a permitted or conditional use, as applicable, specifically named in the regulations for the zone classification in question.

C. Special events and temporary sales.

A. The director may issue a temporary use permit for a temporary sale, special events, or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the subject property. To determine the compatibility of uses, the director

may call a public hearing. Request for such permit shall be submitted in writing.

B. In issuing a permit, the director may:

1. Stipulate the length of time the permit may remain valid;
2. Stipulate the hours of operation of the use; and
3. Stipulate other regulations which are necessary for the public welfare.

D. Home day care preschool, small.

“Home day care/preschool, small” means the keeping for care and/or preschool instruction of six or ~~less-fewer~~ children including the caregiver’s own children under the age of six and under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

A. There may be a maximum of six children on premises at any time, including the caregiver’s own children under the age of six and not yet in full day school.

B. There shall be no employees that do not reside in the dwelling.

C. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver’s property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

E. Home day care/preschool.

“Home day care/preschool” means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver’s own children ~~under the age of six~~ age six or under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

A. There may be a maximum of 12 children on premises at any time, including the caregiver’s own children under the age of six and not yet in full day school.

B. There shall be no more than one employee present at any one time who does not reside in the dwelling.

C. The home day care/preschool caregiver shall comply with all applicable licensing

requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may (1) set a hearing before the planning commission to revoke any conditional use permit, and/or (2) institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

F. Home occupations

A. "Home occupation" means, (unless otherwise provided) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.

C. The home occupation shall not involve the use of any accessory building or yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

D. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.

G. Commercial renting of dwellings prohibited.

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof located within any forestry, residential, ~~agricultural~~ rural residential or

foothill agricultural zones for accommodation purposes or occupancy by different individuals for a period less than 30 consecutive days except as specifically permitted by this title.

H. Residential facility for elderly persons.

A. "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that is occupied 24 hours a day in a family-type arrangement by eight or fewer elderly persons 60 years old or older capable of living independently.

B. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.

C. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

D. No person being treated for alcoholism or drug abuse may be placed in such a facility.

E. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

F. Each facility shall not be located within three-quarters of a mile of another residential facility for elderly persons or residential facility for handicapped persons.

G. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

~~I. Storage of RVs, boats and travel trailers.~~

~~—All RVs, boats and travel trailers which exceed eight feet in length shall only be stored in a side yard or rear yard, and shall also be subject to other regulations of this code.~~

J. Car wash regulations

A. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while (1) reducing noise and adverse visual impacts on abutting uses, particularly residential uses; (2) ensuring adequate drainage; (3) promoting safer and more efficient on-site vehicular circulation; (4) promoting an aesthetically pleasing environment for car washes; and (5) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

B. Location and site.

1. The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.

2. The lot proposed for a car wash shall contain at least 10,000 square feet.

3. The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).

4. The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.

5. No car wash shall be located on a corner lot.

C. Additional requirements.

1. General.

(a) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(b) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

2. Access, circulation and on-site parking.

(a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four (4) feet wide.

(c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(d) The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than thirty-five (35) feet.

(e) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(f) In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (i) three (3) stacking spaces for each bay in a self-service car wash; and (ii) six (6) stacking spaces for each in-bay automatic or conveyor car wash.

3. Building and equipment setbacks.

(a) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(b) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(c) Car washes shall meet the side and rear setbacks required by the underlying zone.

4. Architectural design.

(a) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(b) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(c) Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(d) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its

screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

5. Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

6. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

- (a) Exterior building materials and colors;
- (b) Architectural features and style; and
- (c) Lighting and lighting fixtures.

7. Lighting Requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

(a) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

(b) Full cut-off lighting is required.

(c) Site lighting photometric plans are required.

(d) The following lighting is prohibited on car wash sites: (i) exposed strip lighting used to illuminate building facades or outline buildings; (ii) neon tubing; and (iii) blinking or flashing lights.

8. Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

D. Operational requirements. The following operational requirements apply to all car washes:

1. Water recycling.

(a) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash.

(b) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

2. Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

K. Non-depository institutions

Non-depository institutions are permitted as a conditional use within the Regional Commercial (CR) zone, subject to the following restrictions:

A. A non-depository institution shall not be located within one (1) mile of any other non-depository institution inside the city's geographical boundaries. The distance shall be measured from the exterior walls of the building (or portions thereof) in which the non-

depository institution is located or proposed to be located, and shall be measured as a straight and direct line distance from said point.

B. In addition to the geographical restriction under subsection 19.76.370(A) above, the total number of non-depository institutions located within the city's geographical boundaries shall not exceed one (1) non-depository institution per ten thousand (10,000) residents of the city. A portion or fraction resulting from such a calculation that does not equal a whole number shall not increase, through "rounding" or otherwise, the total number of non-depository institutions possible under this section. For example, if the city's population was 39,999, then a maximum of three (3) non-depository institutions would be possible in the city, and a fourth (4th) non-depository institution would not be possible until the city's population was 40,000 or more. For purposes of such calculation, the city's population shall be determined by the figures provided by the United States Census Bureau's most recent annual estimate.

C. All non-depository institutions are subject to all applicable architectural, design, aesthetic and other regulations of all applicable zones, overlay zones, and other requirements of this title. In addition, all non-depository institutions are subject to the following supplemental regulations:

1. The color of the building housing the non-depository institution shall be restricted to earth tones or shall match the city-approved design theme of the development of which it is a part.

2. At least twenty-five percent (25%) of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.

3. The use of bars, chains, or similar security devices that are visible from a public street or sidewalk is prohibited.

4. The use of neon lighting shall be prohibited on the building exterior.

5. All signage associated with any non-depository institution shall conform to the requirements of chapter 19.82 of this title.

L. Permitted use, approval standards.

19.76.050 Miscellaneous

A. Appeal of planning commission decision.

1. Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

2. For more information regarding planning commission decisions, please see chapter 19.84 of this title.

~~Any person shall have the right to appeal a decision of the planning commission.~~

Appeals shall be made to the board of adjustment unless a right of appeal to the city council is specifically granted in this title.

B. Intersecting streets and clear visibility.

In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

C. Off-site improvements.

A. Off-site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, and sidewalk and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in the this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

B. Fee in Lieu of Improvements.

1. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

2. The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.

~~—C. Exceptions.~~

~~—1. The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.~~

~~—2. The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare are preserved.~~

D. Water and sewage facilities.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within feet of property where the building or use is proposed., the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application

for a building permit shall be accompanied by a certificate of approval from the health department.

~~E. Animal and fowl restrictions.~~

~~—No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet from any street.~~

F. Regulations regarding junk.

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;
2. The automobile or truck shall not be visible from any public street; and
3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

G. Fences.

No fence, wall or hedge shall be erected to a height which exceeds four feet in the front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner (a) of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and (b) that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

19.76.320 — Short term rentals

A. ~~“Short term rental” means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days.~~

B. ~~A short term rental shall not contain more than four bedrooms.~~

C. ~~A short term rental shall be maintained to the following minimum standards:~~

1. ~~Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and~~

2. ~~Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights of way; and~~

3. ~~Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of 5:00 p.m. and 6:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.~~

D. ~~Occupants of a short term rental shall not create excessive noise that is incompatible with adjacent land users.~~

E. ~~A short term rental use shall not have any signs on the premises that advertise the use.~~

F. ~~The use of a dwelling as a short term rental shall not change the appearance of the dwelling or property for residential purposes.~~

G. ~~Outdoor pools, hot tubs or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.~~

H. ~~The operator of a short term rental must be continuously licensed to operate such a business under title 5 of this code.~~

WST/CH/498209.1



Item 5 Public Hearing - Amendments to Chapter 19.90 – Amendments and Rezoning.

The attached document reflects the changes made to chapter 19.89 to bring it into compliance with LUDMA and current planning commission rules and procedures. Please contact me if you have any questions regarding the document.

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Chapter 19.90 AMENDMENTS AND REZONING

Sections:

- 19.90.010 Amendment procedure.**
- 19.90.020 Hearing—Notice.**
- 19.90.030 Determination of city Council.**
- 19.90.040 Appeal procedure.**
- 19.90.050 Disapproval of rezone application.**
- 19.90.070 General plan amendment Procedure.**
- 19.90.072 Hearing—Notice.**
- 19.90.075 Determination of city council.**
- 19.90.080 Periodic consideration of general plan application.**
- 19.90.090 Disapproval of general plan application.**

19.90.010 Amendment procedure.

A. The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. The city council may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. ~~Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval or suggestions of the planning commission.~~ Zoning amendment applications recommended for approved by the planning commission, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the city council before said zone change will become effective.

~~B. B. Zoning amendment applications which receive a recommendation of denial by the planning commission may be appealed to the city council as provided in section 19.90.040. Zoning amendment applications disapproved by the planning commission may be appealed to the city council as provided in section 19.90.040.~~

19.90.020 Hearing—Notice.

Before finally adopting any such amendment, the city council shall ensure that the planning commission has held ~~shall hold~~ a public hearing thereon. Public notice of such hearing shall be given as required by applicable law. ~~Public notice of the hearing shall be give as required by state statute.~~

19.90.030 Determination of city council.

The city council, after ~~public hearing and review of the decision recommendation~~ of the planning commission, may affirm, reverse, alter or remand for further review and consideration any ~~action recommendation taken made~~ by the planning commission.

19.90.040 Appeal procedure.

Any person adversely affected by a decision of the city council amending (a) the number, shape, boundaries or area of any zoning district; (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance, may file a petition for review of such decision in the district court within 30 days after the city council's decision is final.

~~Any person shall have the right to appeal to the city council a decision or disapproval of a zoning amendment application rendered by the planning commission by filing an appeal, in writing, stating the reasons for the appeal within ten days following the date upon which the decision is made by the planning commission. After receiving the appeal, the city council may reaffirm the planning commission decision disapproving the application, remand the matter to the planning commission for further consideration, or may set a date for a public hearing pursuant to section 19.90.020.(district court)~~

19.90.050 Disapproval of rezone application.

Disapproval by the city council of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification, or, if the application is for a commercial classification, to the same or any other commercial classification, within one year after the date of the final disapproval of the application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. ~~No appeal may be taken from a planning commission decision rendered pursuant to this subsection.~~

19.90.070 General plan amendment—Procedure.

The city council may amend the general plan. The proposed amendment to the general plan shall not be made or become effective unless it is first presented to the planning commission; the planning commission shall hold a public hearing on the proposed amendment, following reasonable notice pursuant to the procedures set forth in section 19.90.072 and Utah Code; ~~and the planning commission thereafter shall forward the proposed amendment and its recommendations concerning it to the city council.~~

19.90.072 Hearing—Notice.

~~The city council~~planning commission shall hold a public hearing on the proposed amendment upon reasonable notice following receipt of the ~~planning commission's recommendations~~ under section 19.90.070. The public hearing shall comply with state statute for preparing and adopting a general plan. Reasonable notice means compliance with the applicable notice requirement under state statute.

19.90.075 Determination of city council.

After the planning commission review and public hearing as provided in section 19.90.070, ~~and the public hearing before the city council as provided in section 19.90.072,~~ the city council may adopt the amendment as proposed; modify the proposed amendment and adopt it or reject it as modified; or reject the proposed amendment.

19.90.080 Periodic consideration of general plan applications.

The planning commission may establish policies and procedures whereunder pending applications for amendments to the general plan not initiated by the city will be considered by the planning commission only periodically, provided that consideration by the planning commission of such pending applications occurs no more than three times annually at intervals of not less than four months. Any such policies and procedures shall be inapplicable to applications for amendments to the general plan initiated by the city, and the planning commission promptly shall consider any application to amend the general plan initiated by any city body or department.

19.90.090 Disapproval of general plan application.

Disapproval of an application to amend the city's general plan not initiated by the city shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any parcel of property or portion thereof to the same land use designation within one year of the date of the final disapproval of the application unless the city council finds that there has been a substantial change in the circumstances ~~of~~ or other significant reasons since the disapproval of the application to merit consideration of a second application within the one year time period.



Item 6 Planning Director's Report

I have some news to report regarding staffing in the planning department. Sherry McConkey and Glenn Symes have both accepted new positions in other cities. At the time of this writing, Sherry is no longer working for the City; Glenn Symes will be working for Cottonwood Heights until April 11, 2008. Glenn will be at the meeting on April 2, 2008 to give his final PC report.

Due to the sudden decrease in staffing and a previously scheduled trip for me, we will have no one from the planning department available to meet at the May 7, 2008 PC meeting. I am asking that you cancel this meeting from your 2008 schedule due to the reasons given.

I just want to let you know that I have not forgotten about the citizen information packet on how to make public comments; however, it will likely be some time before I have a chance to get that document back in front of the commission.

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